

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DOROTHEA SARTESCHI,	:	CIVIL ACTION NO. 1:06-CV-2332
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA TURNPIKE COMMISSION, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 24th day of April, 2007, upon consideration of the report and recommendation of the magistrate judge (Doc. 8), to which no objections were filed, and, following an independent review of the record, it appearing that a plaintiff may not maintain a 42 U.S.C. § 1985(3) claim alleging a conspiracy between a corporation and one of its officers acting in an official capacity, see Robison v. Canterbury Village, Inc., 848 F.2d 424, 431 (3d Cir. 1988), but that a plaintiff may maintain a 42 U.S.C. § 1985(3) claim alleging a conspiracy between the officers of a corporation, see Novotny v. Great Am. Fed. Sav. & Loan Ass'n, 584 F.2d 1235, 1259 (3d Cir. 1978), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 8) is ADOPTED.
2. Defendants' partial motion to dismiss (Doc. 4) is GRANTED in part as follows:

- a. Plaintiff's claim against defendant Pennsylvania Turnpike Commission pursuant to 42 U.S.C. § 1985(3) is DISMISSED.
 - b. Defendants' partial motion to dismiss (Doc. 4) is otherwise DENIED.
3. The above-captioned case is REMANDED to the magistrate judge for further proceedings consistent with this order.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge